

U.S.S.N. 09/982,496
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REMARKS

Claims 1, 3-15, and 17-30 are presently pending. Claims 1, 15, 29, and 30 have been amended to better define the claimed invention. Claims 3, 6, 13 have been amended to correct typographical errors. Accordingly claims 1, 3-15, and 17-30, as amended, are under consideration.

Support for the amendments to claims 1, 29, and 30 is found in the specification as published (US 2003/0078319) in paragraph [0005].

Rejection under 35 U.S.C. §103

The claimed invention is a *non-aqueous* laminating ink formulation or dispersion made up of a hot-melt polyamide resin, a pigment, an organic solvent, and one or more *water soluble* components (bases, aminoalcohols, acids, or amino acids). Since water-soluble compounds are not usually compatible with a non-aqueous ink formulation, the pigment in such a formulation *should* flocculate. However, the pigment does *not* flocculate in the claimed ink, and in addition the ink has excellent stability, rheology, and resolubility.

Claims 1, 3-15 and 17-30 have been rejected under 35 U.S.C. §103 over Catena, et al. (U.S. Patent No. 5,338,785) in view of Sawamura (EP 621319) and Kuder (U.S. Patent No. 6,013,373). This rejection is respectfully traversed.

Catena is directed to laminating inks which may be aqueous or non-aqueous, and does not independently suggest the claimed inks because Catena does not disclose a non-aqueous ink that includes a *water-soluble* component. Catena does disclose a polyamide, and Kuder is used only for its teaching that the polyamide used in Catena is of the hot-melt type.

EP621319 is directed to phthalocyanine ink compositions, and does not independently suggest the claimed inks because EP621319 does not disclose a hot-melt polyamide. EP621319 is added to remedy Catena by providing inks that may contain a water-soluble hydroxide. However EP621319 has two significant limitations in this context. It is specifically directed to phthalocyanine pigments, and it is specifically directed to coating or printing inks. Therefore

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EP621319 does not disclose pigments *other than* phthalocyanine, and does not disclose *laminating* inks. For these reasons, there is no basis to combine the references.

First, one would not combine a reference directed to laminating inks with a reference directed to other types of inks. The laminating inks to which Catena is directed are a specialized type of ink with specialized requirements (see, for example, Catena column 1 lines 26-35). In contrast, EP621319 is directed to coating or printing inks, not laminating inks. A skilled person would not expect a teaching applicable to coating or printing formulations to provide useful guidance on a laminating ink formulation. Accordingly, the EP612319 should not be combined with Catena, because Catena is directed to laminating inks and EP621319 is not.

Second, one would not combine a reference specifically directed to phthalocyanine to a reference directed to pigments in general. This is because phthalocyanine is distinct from other pigments in its reactivity and properties, and ink formulations adapted to the characteristics of phthalocyanine would not ordinarily be expected to work as well with other pigments. Therefore a skilled person would not apply teachings from a phthalocyanine ink formulation to formulations intended for other pigments. Accordingly, the EP612319 should not be combined with Catena, because Catena is directed to pigments in general and EP621319 is directed specifically to phthalocyanine.

In addition to the above reasons not to combine, there is a third reason. A skilled person would not add a water-soluble component to a non-aqueous ink composition absent a specific teaching that such an addition would function in her particular ink formulation, because of the general understanding that poor results are usually obtained by such an addition. Therefore, even if EP621319 did disclose a non-aqueous composition containing a soluble component (sodium hydroxide), this disclosure occurs in a highly specific environment and would not overcome the stronger teaching that in general mixing a soluble compound in a non-aqueous ink formulation causes flocculation. Thus one would not combine the Catena inks with components from EP621319.

Accordingly, it is respectfully submitted that no basis exists to combine the references. Claims 1, 3-15, and 17-30 are not suggested by the prior art.

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Claims 9-14 are not obvious for the reasons above, and also because these claims are directed to water soluble compounds which are not disclosed in the prior art (organic base, aminoalcohol, and organic or inorganic acid). Although these claims were free of the prior art in the previous Office Action, the claims are now rejected since the compounds to which they are directed are considered members of the Markush group of water-soluble compounds. However in the absence of any disclosure of these compounds in the prior art it is submitted that there is separate lack of basis for their rejection.

Based on the forgoing, applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 1, 3-15, and 17-30.

Applicants respectfully solicit allowance of the subject application.

Respectfully submitted,

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